



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/564,827

05/22/2006

Thomas Huber

59482.21820

3162

30734

7590

03/26/2009

BAKER & HOSTETLER LLP  
WASHINGTON SQUARE, SUITE 1100  
1050 CONNECTICUT AVE. N.W.  
WASHINGTON, DC 20036-5304

EXAMINER

DINH, TIEN QUANG

ART UNIT

PAPER NUMBER

3644

MAIL DATE

DELIVERY MODE

03/26/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/564,827	<b>Applicant(s)</b> HUBER ET AL.	
	<b>Examiner</b> Tien Dinh	<b>Art Unit</b> 3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 22-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/8/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of group I in the reply filed on 1/30/09 is acknowledged. The traversal is on the ground(s) that the inventive groups include certain overlapping fields of search and that this would not be a burden on the examiner. This is not found persuasive because these are not valid arguments as to why the restriction was invalid.

The requirement is still deemed proper and is therefore made FINAL.

Claims 22-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 1/30/09.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5, line 5, "and other conducting devices" is vague and indefinite.

Claim 5, line 7, "they" is vague and indefinite.

### ***Claim Rejections - 35 USC § 103***

Art Unit: 3644

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 13, 14-15, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin 3612316 in view of Micale 5806797 and/or Powell 20040237439.

Baldwin discloses a floor for a cargo compartment of an aircraft having at least one floor element 18, 14 and functional units 28, 40, 34, 108, which are connected to floor element to carry such units (see figure 2), and floor beam 12 supporting the floor element and adapted to the skin of the aircraft. The floor elements 18, 14 are connected to the floor beam. Baldwin is silent on the prefabricated floor modules. However, Micale discloses that to prefabricate an aircraft structure is well known. The prefabricated structures are then used to build the fuselage. See figure 16. In addition, Powell discloses that to prefabricate a structure is well known.

It would have been obvious to one skilled in the art at the time the invention was made to have made prefabricated floor modules in Baldwin's system as taught by Micale and/or Powell so that the floor system for an aircraft can be assembled and disassembled quickly.

Re claim 3, Baldwin discloses at least one of an electrical control device and mechanical control device for controlling the functional unit is connected to the functional unit. See figure 6. See column 3, lines 21-41.

Re claim 13, people can walk on the floor panels shown in figure 1 of Baldwin.

Art Unit: 3644

Re claims 14 and 15, the insulation devices are not numbered but are clearly shown in figure 1 of Baldwin. These devices connect the fuselage to the floor modules. There are the two vertical insulation elements connected between the fuselage and the floor modules.

Re claim 20, the examiner takes official notice that lining element and a mounting device for the lining elements are well known and that one skilled in the art would have used such elements and devices so as to protect the interior of Baldwin.

Re claim 21, the floor modules can be fastened to the skin and removed again in an arbitrary sequence as taught by the prior arts above.

Claims 4-7, 12, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin as modified by Micale and/or Powell as applied to claim 1 above, and further in view of Owen 6061982.

Baldwin as modified by Micale and/or Powell discloses all claimed parts except for the floor modules having channels to hold electrical leads/wires or water conduits to link other similar conducting devices or water conduits in an adjacent floor module to form an overall conducting system when the floor modules are attached to each other. However, Owen teaches that floor modules having power cables or electrical leads/wires 20, 26 and water conduits or drainage devices 14, 15 that run across multiple floor modules and forming an overall conducting system are well known. See figure 1.

It would have been obvious to one skilled in the art at the time the invention was made to have used floor modules and made the modules of Baldwin have the capability to carry electrical

Art Unit: 3644

leads/wires or water conduits to link other similar conducting devices or water conduits in an adjacent floor module as taught by Owen to have a floor module system that run the whole fuselage so that the aircraft can carry more payloads and to quickly assemble and disassemble the floor modules from the fuselage.

Re claim 4, the examiner takes official notice that transmission sockets are well known in this day and age. It would have been obvious to one skilled in the art at the time the invention was made to have use power transmission sockets in Baldwin's system so that the transmission of power can run across the floor modules for easier assembly and disassembly.

Re claims 6 and 7, the branches are shown in figure 1 of Owen. See parts 20, 26. Re claim 7, see parts 70, 72, which are the mechanical connections. See figure 6 of Owen. It would have been obvious to one skilled in the art at the time the invention was made to have used braches and mechanical connections in Baldwin's system as taught by Owen to allow floor modules to be connected mechanically and electrically.

Re claim 18, Owen discloses floor modules having a connecting device (which is the outer covering of the wires 20 shown in figure 1) for electronic components. The fixation device can be parts 18 or 42, 50.

Re claim 19, Baldwin is silent on the water tanks and the connecting devices. Please note that Owen teaches water tanks 86 and a connecting device 14, 15 are well known. It would have been obvious to one skilled in the art to have used water tanks and/or connecting devices 14 in Baldwin's system as taught by Owen to move liquid through the floor modules.

Art Unit: 3644

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin as modified by Micale and/or Powell as applied to claim 1 above, and further in view of Telair International DE19712278.

Baldwin as modified by Micale and/or Powell discloses all claimed parts except for the inspection openings with floor element section and the fast action closure device. However, Telair discloses that inspection openings with floor element sections 42 and fast action closure devices (not numbered but is next to number 59 in figure 1) are well known. The bilge space is disclosed by Baldwin.

It would have been obvious to one skilled in the art at the time the invention was made to have used inspection openings with fast action closure devices in Baldwin's system as taught by Telair to allow easy access through the floor modules for safety inspections.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin as modified by Micale and/or Powell as applied to claim 1 above, and further in view of Tovani 5827022.

Baldwin as modified by Micale and/or Powell discloses all claimed parts except for the sealing device or leakproof connecting elements. However, Tovani discloses that sealing devices are well known. See figure 1 and where number 22 is pointed to.

It would have been obvious to one skilled in the art at the time the invention was made to have used sealing devices Baldwin's system as taught by Tovani to have a tighter seal over and below the floor elements and between floor elements.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin as modified by Micale and/or Powell as applied to claim 1 above, and further in view of Nordstrom 7410128.

Baldwin as modified by Micale and/or Powell discloses all claimed parts except for the bulkheads and fixation devices. However, Nordstrom discloses that Bulkheads 48 with fixation devices are well known. See figure 2.

It would have been obvious to one skilled in the art at the time the invention was made to have used bulkheads and fixation devices in Baldwin's system as taught by Nordstrom as separation barriers for better organization. Please note that the bulkhead has ballistic resistant materials since it can resist ballistic parts.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Harris et al and Carducci disclose cargo holding systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tien Dinh whose telephone number is 571-272-6899. The examiner can normally be reached on 12-8.



Art Unit: 3644

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mansen can be reached on 571-272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. D./

Primary Examiner, Art Unit 3644